

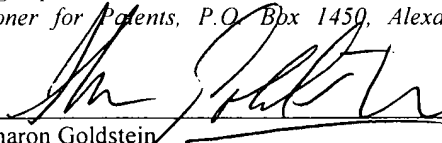


TJW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 21, 2006.


Sharon Goldstein

Appl No. : 10/660,453 Confirmation No. 4926
Applicant : Lutz Biedermann, et al.
Filed : September 11, 2003
Title : SPACE KEEPER FOR VERTEBRAE OR INTERVERTEBRAL DISKS
TC/A.U. : 3738
Examiner : David H. Willse
Docket No. : 58780/B884
Customer No. : 23363

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
November 21, 2006

Commissioner:

This is in response to the Office action mailed September 21, 2006.

On page 2 of the Office action, the Examiner states that this application contains claims directed to the following patentably distinct species:

Species I:	Figure 1;
Species II:	Figure 2;
Species III:	Figure 3;
Species IV:	Figure 4;
Species V:	Figure 5;
Species VI:	Figure 6;
Species VII:	Figure 7;

Appln No. 10/660,453
Amdt date November 21, 2006
Reply to Office action of September 21, 2006

Species VIII:

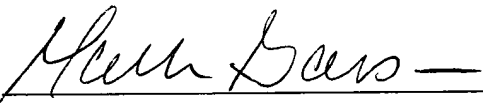
Figure 8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant elects Species II according to Fig. 2 with traverse. At least claims 1-5 and 12-15 are readable on species II. (See paragraph 22, first sentence and paragraph 51.)

Consideration and allowance of this application is respectfully requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

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